

Appl. No. 10/801030  
Amdt. Dated 3-18-07  
Reply to Office Action of 12-18-06

### **Remarks/Arguments**

Applicant would like to thank the examiner for the thorough review of the present application. The specification has been amended, per the examiner's request.

### **Original Claims are Patentable**

No prior art of record renders obvious applicant's claimed tie straps and bag body as separate elements because Simonsen's intended function is to provide a garbage bag with integrally formed tie straps as part of the body of the bag whereas applicant's specifically claims separate tie straps connected to the bag, which teaches against Simonsen's intended function. Simonsen states, "the need for separate tie members, however, adds an additional cost factor for the manufacturer, and ultimately, the consumer. In addition, separate tie members are easily lost and hence a nuisance for the consumer. The present invention seeks to overcome these problems by providing a polymeric package having integrally formed flanges for tying as well as a second integrally formed closure mechanism. Such bags are capable of being formed from an endless tube of plastic and thus can be produced efficiently and cheaply" (column 1, lines 40-48). If Simonsen employed separate tie straps, as claimed by the applicant, it would defeat its intended function of providing more secure tie straps that are integrally formed with its body.

Furthermore, one skilled in the art understands there is no teaching, suggestion or motivation to protect Simonsen's bag from insects, as reasoned by the examiner. Simonsen specifically teaches the following: "the polymeric packages or bags of the instant invention are manufactured using conventional extrusion and heat sealing techniques" (column 5, lines 14-22). Conversely, Farquharson teaches, "the compositions of the present invention are preferably prepared by dry blending together low-density polyethylene and a copolymer such as ethylene/acrylic acid, and then by adding the O-halopyridyl phosphate insecticide, the UV stabilizer and the pigment. The dry blend is heated to a temperature below the melting temperature of either polymer in the blend but above the melting point of the O-halopyridyl phosphate insecticide to absorb the said insecticide onto the polymer blend." Thus, based upon the teachings of

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both references, one skilled in the art understands that Simonsen's bag would have to made by using Farquharson's manufacturing techniques in order to impregnate insecticides into its body. Unfortunately, Farquharson's manufacturing technique is counter intuitive to Simonsen's intended purpose of providing integrally formed tie-straps with the bag because Farquharson's technique is more costly and would prohibit Simonsen from forming a series of continuous bags in a roll with the tie straps integrally formed therewith by using a cutting knife to perforate the shape of the tie straps, due to the high temperature exposure during manufacture. Such a temperature would inherently warp the tie straps and prevent continuous and integrally formed tie straps as taught by Simonsen.

In view of these considerations, it is respectfully submitted that the rejection of the pending claims should be considered as no longer tenable with respect to the above mentioned arguments. All pending dependent claims necessarily include the recitations of their independent claims and therefore are also in condition for allowance.

Should the examiner consider necessary or desirable to make formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by examiner's Amendment, if the examiner feels this would facilitate passage of the case to issuance. Alternatively, should the examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned attorney.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
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